



**NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SURFACE
COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS AND SURFACE
COATING OF PLASTIC PARTS AND PRODUCTS**

#04-181(APCB)/ LSA Document #04-181

Update Since Preliminary Adoption

Specific references to the Federal Register notices were removed because they are no longer needed since references to the Code of Federal Regulations in Indiana's rules are now updated through July 1, 2005.

Overview

Adds new rules concerning national emission standards for hazardous air pollutants for surface coating of miscellaneous metal parts and plastic parts.

Citations Affected

Adds 326 IAC 20-80; 326 IAC 20-81.

Affected Persons

The general public in the vicinity of the sources subject to the applicable NESHAP will benefit from the required reduction in emissions of the regulated pollutants. Business groups will be most affected by the applicable NESHAP, as the applicable NESHAP mandates a reduction in air toxic emissions.

Reason or Reasons for the Rule

IDEM must incorporate the federal NESHAP requirements into state rules or establish state requirements that are no less stringent.

Economic Impact of the Rule

This rule incorporates by reference federal requirements. Implementation and enforcement of the new rules will require no additional fiscal expenditures by IDEM above and beyond current federal requirements and the rule will have no fiscal impact on any other unit of state or local government.

Benefits of the Rule

This rulemaking will reduce emissions of the

following hazardous air pollutants (HAPs): xylene, toluene, phenol, cresols, glycol ethers, styrene, methyl isobutyl ketone (MIBK), and ethyl benzene from miscellaneous metal and plastic parts sources.

Description of the Rulemaking Project

Basic Purpose and Background

The 1990 Amendments to the Clean Air Act require the United States Environmental Protection Agency (U.S. EPA) to regulate major sources of HAPs. A major source is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that has the potential to emit, considering controls, ten (10) tons per year or more of any single HAP or twenty-five (25) tons per year or more of any combination of HAPs. HAPs are listed by U.S. EPA because they are either known or suspected to cause cancer or other serious health effects. There are currently one hundred eighty-seven (187) HAPs listed in the Clean Air Act. On July 16, 1992, U.S. EPA published a list of industrial groups or source categories that emit one (1) or more of the one hundred eighty-seven (187) listed HAPs (57 FR 311576). The Clean Air Act requires U.S. EPA to develop emission standards, referred to as national emission standards for hazardous air pollutants (NESHAPs), that require the application of air pollution reduction measures based on maximum achievable control

technology (MACT) for the listed source categories. The “MACT floor” is the minimum control level allowed for NESHAPs and ensures that the standard is set at a level that assures that all existing major sources achieve a level of control at least as stringent as that already achieved by the better-controlled and lower-emitting sources in each source category or subcategory. For new sources, the MACT floor cannot be less stringent than the emission control that is achieved in practice by the best-controlled similar source.

On January 2, 2004, U.S. EPA promulgated the NESHAP for surface coating of miscellaneous metal parts and products (69 FR 130) and on April 19, 2004, U.S. EPA promulgated the NESHAP for surface coating of plastic parts and products (69 FR 20968). Amendments to both NESHAPs were published on April 26, 2004 (69 FR 22660) and are included in this rule. In this rulemaking, IDEM is proposing to incorporate by reference these federal rules into state rules. A description of the federal rules follows.

Surface Coating of Miscellaneous Metal Parts and Products (40 CFR 63, Subpart MMMM)

Surface coating is a process of applying a protective, decorative, or functional coating to a substrate. Coating materials include, but are not limited to, paints, stains, sealers, topcoats, basecoats, primers, inks and adhesives. Metal parts and products include operations that cover a wide variety of metals that are located at a major source of HAPS. Many sources may be exempt if already subject to another surface coating NESHAP. Asphalt and coal tar applications to metal pipes are also included in this NESHAP. There are five subcategories: general use coating, high performance coating, magnet wire coating, rubber-to-metal coating, and extreme performance fluoropolymer coating. Emission points include the surface coating application process, drying and curing operations, mixing and thinning operations, and cleaning operations.

The organic HAPs emitted by sources include xylenes, toluene, phenol, cresols, glycol ethers, styrene, methyl isobutyl ketone (MIBK), and ethyl benzene. Exposure to these HAPs has been demonstrated to irritate the lung, skin, and mucous membranes and effect the central

nervous system, liver, and heart. HAP emissions will be reduced nationally by forty-eight percent (48%) from 1997 emission base levels. There are at least one hundred fourteen (114) potential Indiana sources. About forty-five percent (45%) of the sources are located in nonattainment counties for eight (8) hour ozone standard. Many of the HAPs are volatile organic compounds (VOCs) and their reduction due to the NESHAP will also reduce ozone. Sources must comply with the NESHAP by January 2, 2007.

Surface Coating of Plastic Parts and Products (40 CFR 63, Subpart PPPP)

Plastic parts and products include plastic components of motor vehicle parts and accessories, sporting and recreational products, toys, business machines, laboratory and medical equipment, and household and consumer products. Operations covered by this NESHAP are divided into four subcategories: assembled on-road vehicle coating; general use coating; thermoplastic olefin coating; and automotive lamp coating. Emission limits would be set for all surface coating operations that use more than one hundred (100) gallons of coatings per year in the surface coating of plastic parts and products and are located at a major source of HAPs. Many sources may be exempt if already subject to another surface coating NESHAP.

The organic HAPs emitted by sources include xylenes, toluene, phenol, cresols, glycol ethers, styrene, methyl isobutyl ketone (MIBK), and ethyl benzene. Exposure to these HAPs has been demonstrated to irritate the lung, skin, and mucous membranes and effect the central nervous system, liver, and heart. Emissions nationally will be reduced by eighty percent (80%) from estimated 1997 baseline levels. There are at least seventy (70) potential Indiana sources. Nearly half of the sources are located in non-attainment counties for the eight (8) hour ozone standard. Many of the HAPs are volatile organic compounds (VOCs) and their reduction due to the NESHAP will also reduce ozone. Sources must comply with the NESHAP by April 19, 2007.

Scheduled Hearings

First Public Hearing: March 1, 2006; Indiana Government Center-South, Conference Center, Room A, 402 West Washington Street,

Indianapolis, Indiana 46204.

Second Public Hearing: June 7, 2006; Indiana Government Center-South, Conference Center, Room A, 402 West Washington Street, Indianapolis, Indiana 46204.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Christine Pedersen, Rule Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027 (in Indiana).

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant, animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The new rules are consistent with federal laws.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Air Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with the Secretary of State.